



1616

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Application Number 10/020,798
Filing Date 11/30/2001
First Named Inventor Cowan, Sui Man L.
Art Unit 1616
Examiner Name Pryor, Alton N.
Attorney Docket Number 22112(2)

Total Number of Pages in This Submission 3

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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Response to Election Requirement.	

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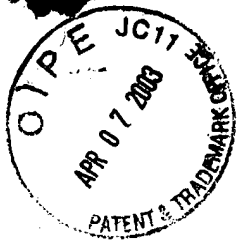
Firm or Individual	Patricia A. Coburn, Esq. BattellePharma, Inc. 1801 Watermark Drive Suite 100 Columbus, Ohio 43215
Signature	<i>Patricia A. Coburn</i>
Date	<i>March 28, 2003</i>

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ATTORNEY DOCKET NO: 22112(2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cowan, Sui Man L.	Art Unit: 1616
Serial No: 10/020,798	Examiner: Pryor, Alton N.
Filed: 11/30/2001	
For: Stable, Aerosolizable Suspensions of Proteins in Ethanol	

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I. Traverse of Election Requirement

The Election Requirement set forth in paper No. 7, dated March 21, 2003 has been carefully considered and Applicant respectfully traverses the requirement on the grounds that the invention is directed to a stable suspension of a biologically active protein (Group I: Claims 1-5,7, 9, 10-21 and 34-35) and to a method of delivering such stable suspension (Group II: claims 22-33). The invention is not limited to a single protein but to the formulation, i.e., the stable suspension or method of delivering the stable suspension.

Applicant admits for the record that prior art disclosing a stable suspension of any biologically active protein would be relevant to the determination of the patentability of the invention disclosed and claimed herein.

If the claimed invention is restricted to a single protein Applicant would be forced to file literally hundreds of divisional/continuation applications to capture the invention as originally claimed. Applicant would be agreeable to restrict continued prosecution to the Claims of Group I and would file a divisional application covering the claims of Group II.

II. Election of Species

Applicant acknowledges that in order to completely respond to this Election Requirement, Applicant must make an election even if such requirement is traversed. Applicant hereby elects the species of Claim 16 (Group I) and Claim 25 (Group II). Table 1 indicates all claims that read on Claim 16 and Claim 25 assuming that such claims were amended to correct dependency.

TABLE 1

Claims Readable on Claim 16		Claims Readable on Claim 25	
Claim No.	Claim No.	Claim No	Claim No.
2	15	28	
3	18	29	
4	19	30	
10	20	31	
11	21	32	
12		33	
13			
14			

Respectfully submitted,

Dated: March 27, 2003

By: Patricia A. Coburn
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